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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,145	07/26/2000	HIROMASA OHNO	106868	8067
25944	7590	06/09/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				CHRISTMAN, KATHLEEN M
		ART UNIT		PAPER NUMBER
				3713

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/626,145	OHNO, HIROMASA
	Examiner	Art Unit
	Kathleen M Christman	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 March 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 54-99 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 54-99 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4152004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

In response to the amendment and request for continued examination filed 03/25/2004, claims 1-53 have been cancelled; newly added claims 54-99 are pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/25/2004 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. **Claims 57, 65, 73, 94 and 95 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.** The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed fails to teach how the system determines the "attractiveness" of the educational training. There is no mention of such a feature. The specification does teach determining the "appropriateness" of the educational content. For purposes of examination the examiner has presumed applicant intended for "attractiveness" to reflect this feature.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 82-91 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** The claims unclear and indefinite because they fail to include a transitional phrase. It is unclear where the preamble of the claim ends and the structural limitations of the claim begin. As such one of ordinary skill in the art would not be able to determine the metes and bounds of the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 92 and 93 are rejected under 35 U.S.C. 102(e) as being anticipated by Peterson et al (US 6052512).** Peterson et al teaches a system and corresponding method for educational training including: a server for managing an education training course (“Sever Computer System”, Figure 2 element 106); a terminal for a first manager which is connected to said server and which is operated by a first manager who manages said education training course (“supervisor client computer system”, Figure 2 element 104); a terminal for a trainee which is connected to said server and on which specified education training that is based on said education training course for a specified trainee is carried out by

communicating with said server, said terminal for a trainee sending information relating to a lecture history (the "student response database", col. 3: 44-46) of said specified trainee to a user (the "student client computer system", element 102A of Figure 2); wherein said terminal for a first manager sends change information of said educational training course input from said terminal for a first manager to said server further wherein said server changes content of said specified education training for said specified trainee based on change information of said education training course received from the terminal for a first manager and based on said information relating to a lecture history of said specified trainee received from said trainee terminal (col. 11: 46-54).

4. **Claims 94-99 are rejected under 35 U.S.C. 102(b) as being anticipated by Lotvin et al (US 5907831).** Lotvin et al teaches a system and corresponding method for educational training including: a server for managing an education training course (the central computer, see col.5: 19-28), as in claims 94-96 and 99; a terminal for a trainee which is connected to said server and on which education training that is based on said education training course is carried out by communicating with said server (the "user's computer", see Figure 14, elements 915-918 and col. 10: 5-6), as in claims 94-96 and 99; wherein when a lecture period of said education training of said trainee exceeds a prescribed period, said server sends an extension notification indicating that said prescribed period has been exceeded to said terminal for a trainee (see col. 12: 1-8), as in claims 96 and 98. The terminal for the trainee sends test results to the server (Figure 5B elements 527 and 528), wherein said server analyzes the attractiveness of said education training based on said test results received from said terminal for a trainee (col. 12: 9-36), as in claims 94 and 95. Said terminal for a trainee sends lecture start time information to said server when a lecture of said education training has begun (initialization), and said server manages an elapsed time from a lecture start of said education training based on said lecture start time information and sends said extension notification to said terminal for a trainee when said elapsed time from a lecture start exceeds said prescribed period, as in claims 97 and 99, see col. 11: 49-64.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 54-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotvin et al (US 5907831) in view of Richard et al (US 6149438).** Lotvin et al teaches a system and corresponding method including: a server for managing an education course (the central computer, see col.5: 19-28), as in claims 54, 62, 70, 78, 82 and 87; a terminal for a trainee which is connected to said server and on which specified education training that is based on said education training course for a specified trainee is carried out by communicating with said server (the "user's computer", see Figure 14, elements 915-918 and col. 10: 5-6, particular as operated by a child), as in claims 54, 62, 70, 78, 82 and 87; a terminal for a second manager which is connected to said server and which is operated by a second manager who manages said specified education training for said specified trainee (the "user's computer" as it is operated by a parent), as in claims 54, 62, 70, 78, 82 and 87; wherein the second terminal is capable of sending identification information showing authority for managing said specified education training for said specified trainee to said server and wherein said server carries out management of said specified trainee based on an operation from said terminal for a second manager by receiving said identification information for a second manager (the parental login, see also col. 7: 63-67), as in claims 54, 62, 70, 78, 82, and 87. Management of the course by the server including management of the time elapsed from when a trainee begins taking lectures of education training, as in claims 55, 63, 71, 79, 83, and 88, see

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col. 12: 1-8. Management of the course by the server further includes analysis of comprehension of the trainee that is based on results of a test given to the trainee, as in claims 56, 64, 72, 80, 84, 85 and 89, is taught in Figure 5B, elements 527 and 528. An analysis of attractiveness of the actually content, as in claims 57, 65, 73, and 81, is taught as an appropriateness evaluation in col. 12: 9-36. The second terminal including a review operation of lecture information of said terminal, which is stored on said server, of said specified trainee, as in claims 60, 68, and 76, is taught as the ability for the parent to review their students records see Figure 10, elements 904 and 905 and col. 10 16-47. The second terminal including a content change operation of said specified education training for the specified trainee, as in claims 61, 69, 77, 86, and 91, is taught in the parent's ability to modify the presentations available to the child, see Figure 8.

Although Lotvin et al teaches a third party content provider Lotvin et al fails to specifically teach a first terminal for a first manager which is connected to said server and operated by a first manager who manages said education training course, as in claims 54, 62, 70, 78, 82 and 87. Further Lotvin et al fails to specifically show that an operation of said terminal for a first manager includes a review operation of lecture information which is stored on said server, of a trainee who takes lectures of said education training course (claims 58, 66, 74, 86, 90) and an operation of said terminal for a first manager includes an input operation of change information of said education training course, and said terminal for a first manager sends inputted change information of said education training to said server (claims 59, 67, and 75).

Richard et al teaches an educational system in a networked environment, which includes multiple workstations (terminals). The functionality of the terminal is dependent upon the user of the terminal. A terminal which is used by an author (third party provider, manager of the educational course) is shown in col. 4: 10-14 and col. 8: 48-50. This system being capable of viewing information about students viewing the lectures and for sending change information to the central server is taught in col. 11: 14-24.

It would have been obvious to one of ordinary skill in the art to implement the content provider/author abilities of Richard et al into the Lotvin et al system so as to allow a third party content provider the ability to manage and revise their courses (Richard et al col. 11: 16-17).

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Response to Arguments

6. Applicant's arguments with respect to claims 54-99 have been considered but are moot in view of the new ground(s) of rejection. The previous rejections of claims 1-53 have been withdrawn, as those claims are now cancelled.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kathleen M. Christman

JOHN M. HOTALING, II
PRIMARY EXAMINER

